T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	•		19-May-08	APPL. S. N:	10643752			
To Exam	iner:		Mummert, Stephanie	Art Unit	1637			
From	•		Collins, Della PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	REMSEN			
SUBJEC	T: Decisio	on on Termina	al Disclaimer(T.D.) filed:					
form par or have a	agraphs i any quest	dentified by to tions, please s	his informal memo in your next see me or the Special Program	results as set forth below. If you a t Office action to notify applicant o Examiner. THIS IS AN INFORMAL, IF RECORD IN THE APPLICATION F	f the T.D. If you disagree			
please in	nitial, date	and return t	his memo to me. THANK YOU.					
$\overline{\mathbf{v}}$	The T.D.	is PROPER a	nd has been recorded (see 14.2	23).	•			
	The T.D.	is NOT PROP	ER and has not been accepted	for the reason(s) checked below (s	see 14.24):			
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account						
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
	Γ.	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
	<u>. </u>	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
		The person v	who signed the T.D.:					
		is r	not an attorney "of record" (see	e 14.29 and 14.29.01).				
		☐ has	s failed to state his/her capacity	y to sign for the business entity (se	ee 14.28).			
		is r	not recognized as an officer of t	he assignee (see 14.29 & possible	14.29.02).			
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
	Γ	The T.D. is r	ot signed (see 14.26 & 14.26.0	03).	,			
	L	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
patenting rejection is missing or incorrect (se				number of the patent in reexam or reissue cases being . 14.27.02 or 14.26.05).				
		The period d	isclaimed is incorrect or not sp	ecified (see 14.26, 14.27.02 or 14	.26.03).			
		Other:			 			
			o request refund (see 14.36). I heck this item.	NOTE: If already authorized, credit	refund to deposit account			
I have a	ppropriate	ely notified ap	plicant(s) of the status of the 1	Terminal Disclaimer filed in this cas	e.			
Ex.Initia	ls:	Da	te:		Log Date:			

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination LIU ET AL						
Document Code - DISQ	Internal Doc		ocument – DC	cument – DO NOT MAIL					
TERMINAL DISCLAIMER			☐ DISAPPROVED						
Date Filed : February 27, 2008	This patent is subject to a Terminal Disclaimer								
Approved/Disapproved by:									
Henry D. Jefferson									

U.S. Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Liu et al.

ART UNIT:

1637

SERIAL NO.:

10/643,752

EXAMINER:

S. K. Mummert

FILED:

August 19, 2003

CONFIRMATION NO.: 4082

TITLE:

EVOLVING NEW MOLECULAR FUNCTION

Terminal Disclaimer

I, Anne I. Craig, with a business address of Harvard University, Holyoke Center, 1350 Massachusetts Avenue, Cambridge, MA 02138-3834, state that I am a representative authorized to sign on behalf of President and Fellows of Harvard College, identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Patent Application Serial No. 10/643,752. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of President and Fellows of Harvard College.

President and Fellows of Harvard College, of 17 Quincy Street, Cambridge, Massachusetts, 02138, is the assignee of the entire right, title and interest in and to the above-identified application, U.S. Patent Application Serial No. 10/643,752, by virtue of an assignment from the inventors to President and Fellows of Harvard College that was recorded in the United States Patent and Trademark Office at Reel 014717, Frame 0156, on November 21, 2003.

President and Fellows of Harvard College hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term of U.S. Patent Nos. 7,070,928 and 7,223,545, and hereby agrees that any patent so granted on U.S. Patent Application Serial No. 10/643,752 shall be enforceable only for and during such period that the patent is commonly owned with U.S. Patent Nos. 7,070,928 and 7,223,545. This agreement runs with any patent granted on the instant application and is binding upon the Assignee, its successors or assigns.

President and Fellows of Harvard College does not disclaim any terminal part of the term of any patent granted on the instant application prior to the expiration date of the full statutory term of the later to expire of U.S. Patent Nos. 7,070,928 and 7,223,545, in the event that any said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

Thereby declare that all statements made nerein or my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ASSIGNEE: President and Fellows of Harvard College

Bv:

Name: Anne I. Craig

Title: Director of Intellectual Property

Date: 2/27/08